

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE**

VERONICA OLIVE,)	
Movant,)	
)	
v.)	No. 3:11-mc-13
)	(Phillips/Guyton)
TENN. VALLEY AUTH.,)	
Respondent.)	

ORDER

This matter comes before the Court on Movant Veronica Olive’s Motion for Order Pursuant to Customer’s Challenge Under the Right to Financial Privacy Act of 1978 [Doc. 1] and Respondent Tennessee Valley Authority’s Motion to Strike Movant’s Motion for Order Pursuant to Customer’s Challenge Under the Right to Financial Privacy Act of 1978 [Doc. 4]. On September 21, 2011, United States Magistrate Judge H. Bruce Guyton issued a Report and Recommendation [Doc. 9] recommending that both motions be denied. There have been no timely objections to the Report and Recommendation, and enough time has passed since its filing to treat any such objections as having been waived. *See* 28 U.S.C. § 636(b)(1); Fed .R. Civ. P. 72(b).

After a careful review of this matter, the Court is in complete agreement with Magistrate Judge Guyton’s conclusion that Movant’s Motion for Order [Doc. 1], which was not filed within ten days of service or within fourteen days of mailing, be **DENIED** as untimely. *See* 12 U.S.C. § 3410(a)(1). The Court also agrees that striking a pleading “is a drastic remedy to be resorted to only when required for the purposes of justice,” and that Respondent’s Motion to Strike [Doc. 4] should be **DENIED**. *See Brown v. Williamson Tobacco Corp. v. United States*, 201 F.2d

819, 822 (6th Cir. 1953). Accordingly, the Court **ACCEPTS IN WHOLE** the Report and Recommendation under 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal Rules of Civil Procedure.

It is **ORDERED**, for the reasons stated in the Report and Recommendation [Doc. 9], which the court adopts and incorporates into its ruling, that Movant's Motion for Order Pursuant to Customer's Challenge Under the Right to Financial Privacy Act of 1978 [Doc. 1] and Respondent's Motion to Strike Movant's Motion for Order Pursuant to Customer's Challenge Under the Right to Financial Privacy Act of 1978 [Doc. 4] are hereby **DENIED**.

IT IS SO ORDERED.

ENTER:

s/ Thomas W. Phillips
United States District Judge